



# Response to Grand Jury Report

“Management of the Uptown  
Community Parking District”

City Council – Item 331  
September 14, 2010

# Grand Jury Report Overview and Response Instructions



- On May 24, 2010 the Grand Jury released its report titled “Management of the Uptown Community Parking District.”
- The report includes four findings and three recommendations.
- The City Council is required to provide responses on each of the findings and recommendations by October 1, 2010.

# Grand Jury Report Overview and Response Instructions



- For each finding in the report, the City Council must respond by either *agreeing or disagreeing wholly or partially with the finding*.
- For each recommendation, the City Council must respond that the recommendation either *has been implemented, has not yet been implemented but will be implemented in the future, requires further analysis, or will not be implemented*.



# Grand Jury Report – IBA Review of Findings and Recommendations



- The Mayor prepared a response to the County Superior Court dated July 15, 2010.
- Prior to developing our response recommendation for the City Council, the IBA reviewed the Mayor's response and discussed the Grand Jury's findings/recommendations with City Planning and Community Investment Department staff and the Executive Director of the Uptown Partnership.

# Grand Jury Report Overview

## IBA Recommendation



- Based on our review, the IBA recommends that the City Council join the Mayor's responses to the four findings and three recommendations.
- This recommendation is based on our understanding that additional analysis related to 1) City parking/traffic related expenses and 2) the benefits/effectiveness of the UPCD is required before the Grand Jury's recommendations can be thoughtfully considered.

# Findings 01 & 02



**“The City contracts with the Uptown Partnership to act in the best interest of the communities it serves.”**

**Mayor’s Response: Agree**

**“From FY 1999 to FY 2009 the Uptown Partnership spent three times more on salaries and other overhead expenses than on projects.”**

**Mayor’s Response: Partially Disagree**



# Findings 03 & 04



**“City of San Diego elected officials and staff has a favorable opinion of the partnership’s management of the Uptown Community Parking District. However, this opinion is not shared by all of the stakeholders in the community.”**

**Mayor’s Response: Partially Disagree**

**“The Uptown Partnership has implemented changes recommended by City officials to enhance transparency of management activities.”**

**Mayor’s Response: Agree**

# Recommendation 10-52



**“Analyze the contract between the Uptown Partnership, Inc. and the City of San Diego to determine its impact on the City’s General Fund revenues.”**

**Mayor’s Response: This recommendation has not yet been implemented.**

Pursuant to Council Policy 100-18 and Municipal Code Sections 82.08 and 82.09, revenue collected from parking meters may be expended towards the costs involved in the regulation, control, and management of the parking of vehicles and the control and management of traffic (including pedestrian and vehicle safety, comfort, and convenience) which may affect or be affected by the parking of vehicles in the parking meter zones.



# Recommendation 10-52 (continued)



City staff will analyze existing expenses to determine the amount funded with parking meter revenues and the amount subsidized by the General Fund. If Uptown Community Parking District revenues currently allocated to Uptown Partnership could be used to defray parking-related expenses currently being subsidized by the General Fund then this could have a positive effect on the City's General Fund. The review and analysis will be conducted during the course of this fiscal year.

# Recommendation 10-53



**“Consider redirecting the uptown Community Parking District revenues to the City’s General Fund.”**

**Mayor’s Response: This recommendation has not yet been implemented.**

The City Attorney provided a Memorandum on April 29, 2009 to the Budget and Finance Committee on the subject of the “Use of Parking Meter Funds for Traffic-Related Issues”. As part of the analysis, it was noted that the City’s parking meter fees are regulatory fees which must comply with state law and that the general standard of what constitutes a proper regulatory fee is set forth in California Government Code section 50076 which states:

# Recommendation 10-53 (continued)



*“As used in this article, "special tax" shall not include any fee which does not exceed the reasonable cost of providing the service or regulatory activity for which the fee is charged and which is not levied for general revenue purposes.”*

Therefore, parking meter revenue may only be applied to eligible/appropriate General Fund expenses. The analysis referenced in response to Recommendation 10-52 is required to determine the feasibility of this recommendation.



# Recommendation 10-54



**“Review and consider the need for the Uptown Community Parking District.”**

**Mayor’s Response: This recommendation has not yet been implemented.**

Given some restrictions on the use of the Parking Meter revenue and the interest and local knowledge of community members in developing projects to address local parking impacts, further review and analysis is required to determine the benefits and efficiencies of maintaining the Uptown Community Parking District. Such review and analysis will be conducted during the course of this fiscal year.



# Questions?